

Message Text

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PAGE 01 KUALA 00531 240919Z
ACTION L-03

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R 240811Z JAN 77
FM AMEMBASSY KUALA LUMPUR
TO SECSTATE WASHDC 5983
INFO AMEMBASSY BANGKOK
AMCONSUL HONG KONG
AMEMBASSY JAKARTA
AMEMBASSY SINGAPORE
DEA HDQS WASHDC

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HONG KONG FOR LEGAL ATTACHE

E.O. 11652: N/A
TAGS: PFOR, SNAR, MY, US
SUBJECT: EXTRADITION

REF: 76 KUALA LUMPUR A-176

1. SUMMARY. A NEW U.S. JURISDICTION IS CONSIDERING A SECOND REQUEST FOR THE EXTRADITION OF CHUA HAN MOW. THE GOM HAS PASSED A NEW LAW ALLOWING EXTRADITION IN THE ABSENCE OF A TREATY, AND, ALTHOUGH THERE IS NO GUARANTEE THAT THE GOM WILL AGREE TO CHUA'S EXTRADITION, ANY NEW REQUEST SHOULD BE PREPARED WELL IN ADVANCE OF HIS EXPECTED RELEASE IN OCTOBER 1977. REQUEST DEPT INSTRUCTIONS ON APPROACHING THE GOM TO BEGIN NEGOTIATIONS FOR A U.S.-MALAYSIAN EXTRADITION TREATY. END SUMMARY.

2. THE EMBASSY HAS LEARNED THROUGH DEA CHANNELS THAT THE U.S. ATTORNEY, NORTHERN DISTRICT OF CALIFORNIA, IS CONSIDERING REQUESTING THE EXTRADITION OF THE U.S.

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OF CHUA HAN MOW, ALSO SUBJECT OF THE EXTRADITION REQUEST DISCUSSED REPAIR, A REQUEST INITIATED BY THE U.S. ATTORNEY, EASTERN DISTRICT OF NEW YORK. THE CALIFORNIA CHARGES INVOLVE VIOLATIONS OF TITLE 21 USC, SECTIONS 846, 963, 959 AND 952. DEA KUALA LUMPUR HAS SUGGESTED TO DEA SAN FRANCISCO AND DEA HEADQUARTERS THAT THE NEW YORK AND CALIFORNIA

JURISDICTIONS COORDINATE ANY FUTURE EXTRADITION PROCEEDINGS.

3. THE BILL TO AMEND THE EXTRADITION ORDINANCE 1958 TO ENABLE THE MALAYSIAN GOVERNMENT TO EXTRADITE IN THE ABSENCE OF AN EXTRADITION TREATY (ENCLOSURE 2, REFAIR) HAS NOW BEEN PASSED BY BOTH HOUSES OF PARLIAMENT AND FINAL PROMULGATION BY THE KING IS EXPECTED WITHIN A MONTH. PROMULGATION OF THE LAW WILL NOT, HOWEVER, GUARANTEE THE GOM WILL AGREE TO EXTRADITE CHUA HAN MOW AS THE NEW LAW LEAVES CONSIDERABLE DISCRETION IN THE HANDS OF THE LAW MINISTER. DEA KUALA LUMPUR HAS BEEN TOLD INFORMALLY BY A MALAYSIAN POLICE OFFICE THAT, IF THE USG CAN GIVE REASONABLE ASSURANCES CHUA WILL BE CONVICTED IN THE U.S., THE GOM WOULD BE LIKELY TO AGREE TO HIS EXTRADITION. WE SHOULD NOTE, THOUGH, THAT THE POLICE OFFICER IN QUESTION HAS NO POWER TO MAKE DECISIONS WITH REGARD TO EXTRADITION. ASIDE FROM THE DIFFICULTY OF "ASSURING" THE GOM OF A CONVICTION IN U.S. COURTS SUCH QUESTIONS AS CHUA'S CHANCES FOR RELEASE ON BAIL IN THE U.S. ARE ALSO PERTINENT.

4. THE MALAYSIAN POLICE HAVE INFORMED US THAT CHUA SHOULD BE RELEASED FROM DETENTION ABOUT OCTOBER 1, 1977. IF THE U.S. ATTORNEYS IN THE NORTHERN DISTRICT OF CALIFORNIA OR THE EASTERN DISTRICT OF NEW YORK PLAN TO REQUEST CHUA'S EXTRADITION, EITHER BY RENEWING THE REQUEST WHICH WAS REJECTED BY THE LIMITED OFFICIAL USE

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MALAYSIANS IN NOVEMBER 1976 (REFAIR) OR THROUGH A NEW REQUEST, THEY SHOULD KEEP THIS RELEASE DATE IN MIND AND PREPARE THE DOCUMENTATION SO THAT WE CAN SUBMIT IT TO THE FOREIGN MINISTRY WELL BEFORE CHUA'S RELEASE.

5. FROM A LONGER RANGE POINT OF VIEW, WE BELIEVE THAT THE MALAYSIANS WOULD BE MORE LIKELY TO RESPOND FAVORABLY TO FUTURE U.S. EXTRADITION REQUESTS IF THEY HAVE THE RECIPROCAL RIGHT TO SUBMIT SUCH REQUESTS. SINCE, AS WE DISCUSSED IN THE REFERENCED AIRGRAM, THE MALAYSIANS DO NOT SEEM NOW TO BE RECEPTIVE TO THE IDEA OF VALIDATING THE 1931 US-UK EXTRADITION TREATY, NEGOTIATING A NEW TREATY SEEMS TO BE THE ONLY WAY TO ACHIEVE SUCH RECIPROCITY. AGAIN, EMBASSY WOULD APPRECIATE DEPT INSTRUCTIONS ON APPROACHING THE GOM WITH AN OFFICIAL REQUEST TO OPEN NEGOTIATIONS FOR A NEW US-MALAYSIAN EXTRADITION TREATY.
UNDERHILL

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Message Attributes

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Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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